

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:22-CV-00317-FDW-DCK**

**SONYA JACKSON-SHAKESPEARE AND
COLIN SHAKESPEARE,**

Plaintiffs,

v.

**PRESBYTERIAN HOSPITAL; FABIOLA
PIERCY; AND NOVANT HEALTHCARE
INC.,**

Defendants.

ORDER

THIS MATTER is before the Court on Plaintiffs’ Motion for Sanctions, (Doc. No. 109), to which Defendants object, (Doc. No. 113). For the reasons below, the Court DENIES the motion.


As an initial matter, the parties’ materials before the Court adequately present the facts and legal contentions for this Court to resolve the issue, and oral argument would not aid the decisional process. The Court will not conduct the telephonic hearing previously noticed. (Doc. No. 110.) Plaintiffs seek sanctions pursuant to Rule 37(a)(4), alleging Defendants provided an evasive or incomplete disclosure, answer, or response to discovery; and Rule 37(b)(2)(A), alleging Defendants failed to obey the Court’s discovery order. After reviewing the parties’ evidence and arguments, the Court concludes Plaintiffs have failed to demonstrate that sanctions are warranted under this record. Plaintiffs’ request to reopen discovery is exceptionally untimely, particularly where Plaintiffs did not sufficiently pursue this discovery during the course of litigation. Nothing in the record indicates Plaintiffs attempted to notice the deposition of Coleman, so to the extent Defendants provided any incorrect contact information—which they deny and provide evidence to support their denial—it is harmless. (See Doc. No. 113-3, p. 3 (providing personal contact

information for Coleman on August 21, 2023); Doc. No. 113-4.) Additionally, Plaintiffs still can serve trial subpoenas, including on Coleman. Similarly, Plaintiffs have failed to demonstrate Defendants failed to comply with court orders, particularly where the record indicates Defendants provided the medical evidence sought, including downloadable software on which the images could be viewed. (Doc. Nos. 113-6, 113-7.)

IT IS THEREFORE ORDERED that Plaintiffs' Motion for Sanctions is DENIED. Accordingly, the telephone conference noticed for Thursday, April 18, 2024, is CANCELLED.

IT IS SO ORDERED.

Signed: April 17, 2024


Frank D. Whitney
United States District Judge

